

9 is commenced or undertaken, the mine owner, lessee or operator shall  
 10 notify the mine inspector of the district in which the mine is located,  
 11 and the same shall be subject to the approval of said mine inspector  
 12 who is hereby authorized and empowered to prescribe the manner  
 13 and the kind of material with which the same shall be filled or sealed.

1 "SEC. 2. It shall be unlawful for any person, firm or corporation  
 2 to open or to break any seal placed on any finished or abandoned mine;  
 3 or to open or to break any seal placed on any mine ordered closed  
 4 by the mine inspector, unless said person, firm or corporation, has  
 5 first received a written permit from the mine inspector to do so, and  
 6 then only in the manner prescribed by him in said permit.

1 "SEC. 3. It shall be unlawful for any owner, lessee, or operator  
 2 of any coal mine, or any person, firm or corporation, to take or move  
 3 away from the premises of a finished or an abandoned mine any ma-  
 4 chinery, equipment or material without the consent of the mine in-  
 5 spector until first all the requirements of this act have been complied  
 6 with, and have been approved in writing by the mine inspector.

1 "SEC. 4. Any owner, lessee, operator, or the agent thereof, or  
 2 officer, or agent of any firm or corporation, refusing or neglecting  
 3 to comply with the provisions of this act in relation to filling, or seal-  
 4 ing the openings of finished or abandoned mines, shall be fined not  
 5 exceeding five hundred (500) dollars, or be imprisoned in the county  
 6 jail not exceeding six months, or both."

Senate File 294. Approved May 3, 1935.

## CHAPTER 10

### WORKMEN'S COMPENSATION. OPERATION OF COAL MINES

#### S. F. 300

AN ACT to amend the law as the same appears in chapters seventy (70), seventy-one (71), seventy-two (72), code, 1931, relating to compensation for injuries sustained arising out of and in the course of employment; providing that the right to reject the law relating to compensation for injuries sustained arising out of and in the course of employment shall not apply to the business of operating a mine and of producing coal for sale under any system of operation; making it a misdemeanor to operate a mine or do any work in connection therewith, or incident thereto, without first obtaining insurance covering compensation payments or obtaining relief therefrom; and providing injunctive process to prevent continuing such wrongful acts.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. It shall be conclusively presumed that the work and  
 2 operation of any and all coal mines, or production of coal, under  
 3 whatever system of operation is an extra hazardous business, enter-  
 4 prise and occupation.

1 SEC. 2. The law as the same appears in section thirteen hundred  
 2 sixty-four (1364) and other sections of chapters seventy (70), seventy-  
 3 one (71), and seventy-two (72), of the code, 1931, including the  
 4 words "except as provided in this chapter" as the same appear in  
 5 section thirteen hundred sixty-three (1363) all in so far as it relates  
 6 to the right to reject the terms, provisions and conditions of the

7 compensation law, shall not apply to any employer or employee engaged  
8 in the operation of coal mines, or production of coal, under any system  
9 of removing coal for sale, but all provisions of the law in chapters  
10 seventy (70), seventy-one (71) and seventy-two (72), relating to  
11 compensation for injuries sustained arising out of and in the course  
12 of such employment shall be exclusive, compulsory, and obligatory  
13 upon the employer and employee in such employment.

1 SEC. 3. It shall be unlawful for any person, firm, association, cor-  
2 poration or partnership to engage in the business of operating a  
3 mine under any system of removing coal for sale, or any work in  
4 connection therewith, or incident thereto, without first obtaining in-  
5 surance covering compensation payments or obtaining relief therefrom  
6 as provided in chapters seventy (70), seventy-one (71) and seventy-  
7 two (72), of the code, 1931, as herein amended. Any violation of this  
8 section shall be deemed a misdemeanor and upon conviction of such  
9 offense the offender shall be punished by a fine of not less than ten  
10 (10) dollars nor more than one hundred (100) dollars. Each day  
11 such offense is committed shall be regarded as a separate, wrongful  
12 act and may be prosecuted in one proceeding, but in separate counts,  
13 at the election of the prosecuting attorney.

1 SEC. 4. It shall be the duty of the attorney general of the state of  
2 Iowa and/or the county attorney of the county where such offense has  
3 been committed, or when he has reason to believe such offense is about  
4 to be committed, to bring an action in equity in the name of the state  
5 to enjoin such offenders from continuing such wrongful acts, and the  
6 court or judge before whom such action is brought shall, if the facts  
7 warrant, issue a temporary or permanent writ of injunction without  
8 bond.

Senate File 300. Approved May 3, 1935.

## CHAPTER 11

### CIGARETTE AND OLEOMARGARINE TAX STAMPS

S. F. 67

AN ACT to amend sections fifteen hundred seventy-four (1574), fifteen hundred seventy-four-a one (1574-a1), fifteen hundred seventy-five (1575), thirty-one hundred-d six (3100-d6), thirty-one hundred-d seven (3100-d7), thirty-one hundred-d eight (3100-d8), thirty-one hundred-d ten (3100-d10), all of the code of 1931, to transfer certain duties relating to cigarette and oleomargarine tax stamps from the auditor of state to the state comptroller.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section fifteen hundred seventy-four (1574), code of  
2 1931, is amended as follows:

3 1. Strike from lines 1 and 2 the words "auditor of state" and insert  
4 in lieu "state comptroller."

5 2. Strike from line 4 the word "auditor" and insert in lieu "comp-  
6 troller."

1 SEC. 2. Section fifteen hundred seventy-four-a one (1574-a1), code  
2 of 1931, is amended as follows:

3 1. Strike from line 2 the word "auditor" and insert in lieu "comp-  
4 troller."